

## **REMARKS**

The Office Action dated November 1, 2006 has been received and carefully noted. The above noted amendments to the claims, and the following remarks, are submitted as a full and complete response thereto. Claims 1, 13, 25, 32, 44-45, 48-50, 53, 56, and 59 have been amended to more particularly point out the distinctly claim subject matter of the invention. New claims 64 and 65 are submitted, to recite aspects of the invention which were disclosed but not claimed in the application as originally filed. No new matter has been added. Claims 1-45, 48-61, 64 and 65 are respectfully submitted for consideration.

Claims 1, 13, 25, 32, 44, and 45 were rejected under 35 USC 1029b) as being anticipated by Raith (U.S. Patent No. 6,259,915). The rejection is respectfully traversed. As will be discussed below, each of the presently pending claims recite subject matter which is neither disclosed nor suggested in Raith.

Claim 1 recites a method of deciding on a communication connection changeover of a subscriber terminal. The method includes detecting communication information from at least one access node, the communication information comprising frequency band information indicating at least one frequency band where the at least one access node is capable to communicate. The method further includes transmitting the communication information from the at least one access node to a subscriber terminal by signaling by transmitting specific frames. The transmitted communication information is processed, and based on the communication information, a communication connection

capability of at least part of the at least one access node is determined on the basis of the frequency band information. Further still, the method includes using the processing result for a decision in the subscriber terminal on a communication connection changeover of the subscriber terminal.

Applicants' independent claim 13 recites a system for deciding on performing a communication connection changeover of a subscriber terminal. The system includes detecting means for detecting and transmitting communication information from the at least one access node to a subscriber terminal. The communication information comprises frequency band information indicating at least one frequency band where the at least one access node is capable to communicate. The detecting means are configured to incorporate the communication information in a signaling using a transmission of specific frames to the subscriber terminal. The system further includes processing means for processing the transmitted communication information in the subscriber terminal so as to determine, based on the communication information, a communication connection capability of at least part of the at least one access node on the basis of the frequency band information. Means are provided for deciding in the subscriber terminal on a communication connection changeover of the subscriber terminal by using the processing result.

Claim 25 is directed to an access node for a wireless communication network. The node comprises a detecting device configured to detect and transmit communication information to a subscriber terminal. The communication information comprises

frequency band information indicating at least one frequency band wherein at least one access node is capable to communicate. The detecting device is further configured to incorporate the communication information in a signaling using a transmission of specific frames to the subscriber terminal.

Applicants' independent claim 32 recites a subscriber terminal for communicating in a wireless communication network. The subscriber terminal includes a receiving device configured to receive communication information transmitted from at least one access node, the communication information comprising frequency band information indicating at least one frequency band where at least one access node is capable to communicate, and being transmitted from the at least one access node to the subscriber terminal by signaling by transmitting specific frames. The terminal further includes a processing device configured to process the transmitted communication information so as to determine, based on the communication information, a communication connection capability of at least part of the at least one access node on the basis of the frequency band information. A decision device is configured to decide on a communication connection changeover of the subscriber terminal by using a processing result.

Applicants' independent claim 44 recites a computer program embodied on a computer readable medium, that when executed by a processor, is configured to control a method that includes detecting and transmitting communication information to a subscriber terminal, the communication information comprising frequency band information indicating at least one frequency band where at least on access node is

capable to communicate. The method further includes incorporating the communication information in a signaling using a transmission of specific frames to said subscriber terminal.

Applicants' independent claim 45 recites a computer program embodied on a computer readable medium, that when executed by a processor, is configured to control a method that includes receiving communication information transmitted from at least one access node, said communication information comprising frequency band information indicating at least one frequency band where at least one access node is capable to communicate, and being transmitted from at least one access node to a subscriber terminal by signaling, and processing the transmitted communication information to determine, based on the communication information, a communication connection capability of at least part of the at least one access node on the basis of the frequency band information. The method further includes deciding on a communication connection changeover of the subscriber terminal by using a result of the processing.

As discussed in the present specification, the claimed embodiments of the invention can improve connection changeover or handover of a subscriber terminal in, for example, a wireless communication network. Applicants' respectfully submit that Raith fails to disclose or suggest the elements of the presently pending claims, and therefore fails to provide any of the advantages which are provided by the present invention.

Raith is directed to multiple-hyperband mobile and base stations. In particular, Raith is directed to cellular systems such as GSM. In particular, Raith contains a

significant discussion regarding the 800 MH cellular hyperband, and various other hyperband configurations. In these cellular systems as disclosed in Raith, the decision regarding a handoff or a communication connection changeover is made by the base station; however, the decision regarding handoff is not made by or in the subscriber terminal. As discussed in the present specification and as recited in the present claims, the decision regarding communication connection changeover is made in the subscriber terminal, and not in the base station. Furthermore, in the cellular systems as disclosed in Raith, a transmission of specific frames for transmitting the communication information, as recited in the Applicants' present claims, simply does not occur. Raith discloses systems that control channels, such channels are clearly divided. Therefore, there is no need for a system of Raith to transmit communication information as recited in the present claims. It is respectfully submitted, therefore, that Raith simply fails to disclose or suggest each and every element of claims 1, 13, 25, 32, 44, and 45. There is no disclosure or suggestion in Raith of any method or apparatus wherein communication connection changes over is determined through detecting, transmitting, or processing, wherein the processing result for a decision occurs in the subscriber terminal.

Accordingly, in view of the above, it is respectfully requested that independent claims 1, 13, 25, 32, 44, and 45 and related dependent claims be allowed.

Claim 25 was rejected under 35 USC 102(e) as being anticipated by Moreton (U.S. Patent Publication No. 2004/00131128). As will be discussed below, applicants respectfully traverse this rejection.

Applicants' respectfully submit that Moreton fails to disclose or suggest an access node according to the presently pending claims.

Moreton discloses a method of controlling access to a communication system. In particular, Moreton is directed to a multi-mode access point, and the method of controlling access between the access point and one or more clients. The 802.11(a) wireless local area networks standard is discussed as a method of transmitting commands. However, there is no disclosure nor suggestion in Moreton of an access node for a wireless communication network comprising a detecting device which can detect and transmit communication information to a subscriber terminal, with the communication information comprising frequency band information indicating at least one frequency band where at least one access node is capable to communicate. Moreton only discloses a configuration wherein an access point switches between two frequency bands were serving different subscriber stations communicating on respective different frequencies.

According to Moreton, subscribers on the frequency band which is not served in present intervals are provided with a quiet command so that no data is sent in this period, thereby attempting to avoid data loss. However, there simply no disclosure or suggestion of a change-over or wherein communication information comprising frequency band information is transmitted to a subscriber station. Moreton merely discloses that a client is informed to stop communication for a predetermined time. Because in Moreton the client can communicate only on one frequency band at one time, an indication of which frequency band is meant is not necessary, and, therefore, is not described. There is no

teaching or suggestion in Moreton of a configuration according to the present invention relating to a support of a handover decision made in the subscriber terminal.

Accordingly, in view of the foregoing, it is respectfully requested that independent claim 25 and related dependent claims be allowed.

Claims 1-8, 10-20, 22-24, 32-45, 48-50, 52-53, 55-56, and 61 were rejected under 35 USC 103(a) as being unpatentable over Moreton in view of Raith. In making this rejection, the Office Action took the position that Moreton discloses all of the elements of the claimed invention with the exception of processing of transmitted communication information and determining a communication connection capability as recited in claims, as well as, using the processing result for a decision on a communication connection changeover. Raith is cited as curing the deficiency in Moreton. Pages 5-15 of the Office Action contain a detailed discussion of what elements of Moreton and Raith allegedly correspond to the presently pending claims. However, as we discussed below and as discussed above, Moreton and Raith suffer from significant deficiencies which require withdrawal of this rejection under 35 USC 103.

As discussed above, the multiple hyperband mobile and base station configuration of Raith suffers from numerous deficiencies. In particular, Raith discloses systems wherein any decision regarding handoff is made by a base station. There is no disclosure or suggestion in Raith of any decisions being made by or in a subscriber terminal. Similarly, Moreton suffers from numerous deficiencies in that Moreton fails to disclose or suggest detecting communication information comprising frequency band information

indicating at least one frequency band where the at least one access node is capable to communicate. Moreton only discloses a configuration wherein in access point switches between two frequency bands for serving different subscriber stations communicating on respective different frequencies. There is no disclosure nor suggestion in either Moreton or in Raith of any of the claimed configurations of the invention. Moreton is not concerned with any communication information comprising frequency band information which indicates at least one frequency band where the at least one access node is capable to communicate, because in Moreton, the client can communicate only one frequency band at one time. Therefore, in Moreton, an indication of which frequency band is meant is not necessary, and in fact there is no description thereof in Moreton. There simply no enablement of any such configuration in Moreton and, similarly, in Raith. Furthermore, a combination of Moreton and Raith fail to yield any of the configurations in the present invention.

Accordingly, in view of the above, it is respectfully requested that claims 1-8, 10-20, 22-24, 32-45, 48-50, 52-53, 55-56, and 61 be allowed.

Claims 51, 54, 57, 59, and 60 were rejected under 35 USC 103(a) as being unpatentable over Moreton in view of Raith, and further in view of Awater (U.S. Patent Publication No, 2001/001689). In making these rejections, the Office Action took the position that Moreton and Raith disclosed all of the elements of the claimed invention, with the exception of signaling comprising a probe request/probe response. Awater is cited as curing the deficiencies which exist in Moreton and Raith. Applicants'



respectfully submit, however, that Awater fails to cure the significant deficiencies which exist in Moreton and Raith, as discussed above.

Awater discloses interoperability for Bluetooth/IEEE 802.11. However, Awater is not at all concerned with methods or apparatus which decide on a communication connection changeover of a subscriber terminal. Therefore, Awater cannot cure the significant deficiencies which exist in Moreton and Raith as discussed above. There is no disclosure or suggestion in any of the cited prior art of method, a system, a subscriber terminal, and access node, or a computer program, as recited in the present dependent claims, directed to receiving or processing communication information which comprises frequency band information indicating at least one frequency band where at least one access node is capable to communicate; therefore, the cited prior art fails to disclose or suggest any systems, any methods or apparatuses where such a processing result can be used for a decision on a communication connection changeover of a subscriber terminal.

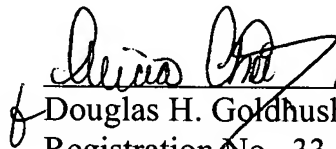
In view of the above, Applicants' respectfully submit that each of claims 1-45, 48-61, and 64-65 recite subject matter which is neither disclosed nor suggested in the cited prior art. Applicants submit that this subject matter is more than sufficient to render the claimed invention obvious to the person of ordinary skill in the art. Applicants therefore request that each of claims 1-45, 48-61, and 64-65 be found allowable, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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Enclosures: Petition for Extension of Time  
Request for Continued Examination  
Additional Claim Fee Transmittal  
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